

**EXECUTIVE SUMMARY****Development of Conservation Collier Policy for acceptance of TDR conveyances**

**Presenter:** Alexandra Sulecki, Coordinator, Conservation Collier

**Objective:**

The purpose of this Executive Summary is to identify the issues and relate the results of subcommittee discussions concerning conveyance of lands to Conservation Collier under the Transfer of Development Rights (TDR) bonus credits created by ordinance 2005-49 so that a policy recommendation to the Board of County Commissioners can be made by the Conservation Collier Land Acquisition Advisory Committee (CCLAAC).

**Issue Statement:**

The Conservation Collier Program has identified broad Target Protection Areas that generally satisfy the initial screening criteria and meet the goals of Conservation Collier. One of these Target Protection Areas is land designated as "Sending Lands" in the Rural Fringe Mixed use District (RFMUD). At the same time Conservation Collier's Target Protection Areas were being developed, The TDR program was being implemented in the RFMUD. Under this program, lands designated as "Sending Lands" were assigned development rights credits that could be separated from the bundle of property rights associated with a property and sold, creating in essence a permanent conservation easement. In 2005, additional bonus credits were created by Ordinance 2005-49 due to concerns that in the original TDR program, there was no provision for long-term environmentally focused land management. The concern was that even though a property would be preserved under the original TDR program, and no longer vulnerable to development, it may be vulnerable to other types of degradation factors. For example, the habitat value of that land may deteriorate via infestation of exotic plants or animals, altered drainage patterns, inhibition of fire regime, human uses with negative impacts (ORV trails).

Ordinance 2005-49 created two additional TDR bonus provisions to create incentive for appropriate management, called the third and fourth TDR credits; the third was for development of a management plan and the fourth was for conveyance of the land to a public agency. The third provides 1 TDR bonus credit for each TDR credit severed for developing a Restoration and Management Plan (RMP). The ordinance requires that a bond guarantee the management plan remains in place and be performed until it achieves its stated goals **or** the property is conveyed to a public agency. Under this provision, conveyance to an entity such as Conservation Collier would shift the responsibility for long term management to that entity. The ordinance requires that the RMP provide for the exotic vegetation removal and maintenance to be performed by a contractor acceptable to the County, but it is unclear whether even the requirement for performance of the initial exotic vegetation removals is required prior to a conveyance of the land. An owner could elect just to put the management plan in place and do the exotic removals themselves without conveyance, in which case the owner would pay for the work. The second TDR bonus credit provision is for the actual conveyance of land in fee simple to a federal, state, or local government agency as a gift. All that is required by the ordinance to achieve this credit is that a RMP has been accepted.

Conservation Collier should evaluate the costs of receiving such conveyances and make recommendation to the Board of County Commissioners on a policy for accepting conveyances, which would include funding for initial exotic removal and potentially for a longer term of maintenance and management. The Commissioners will have to approve each such conveyance.

The Conservation Collier Ordinance, Policy and Rules (OPR) and Lands Evaluation and Management Subcommittees met on 4/3/07 in a joint subcommittee meeting to discuss this issue. This was a second subcommittee meeting on the topic of the OPR subcommittee. Property owners of the Benfield road properties, “sending” lands of approximately 20 acres having multiple owners, attended both this and the previous meeting. These properties are being proposed by the owners for conveyance to Conservation Collier under the TDR Program. Joe Thompson, Planner with the Collier County Comprehensive Planning Dept., working with the Benfield Rd. property owners on TDR severance, was also in attendance.

The discussions followed up on previous development of “bullet point” recommendations on a TDR conveyance policy and focused on whether to require long range management funding. Additionally, staff proposed that conveyances from “sending” lands may not need to go through the same criteria evaluation as other nominated properties, as they have already been identified “environmentally sensitive” by the application of the “sending” designation in the Growth Management Plan. After discussion, the subcommittee members voted to develop a fast track process for proposed conveyances and to require long term management funding as part of a negotiation process for each parcel on an ad hoc basis. The bullet points developed as a result both meetings are as follows:

- Potential conveyances shall go through a separate “fast-track” evaluation process from other submitted parcels and will not be ranked in the regular cycle. *An application will still be required and a site visit and resulting report must still document that all criteria are met. This is required by the Conservation Collier ordinance in Section 9.3. Potential conveyances can be presented individually to the Board for approval.*
- The CCLAAC will consider lands proposed for conveyance under the TDR program even if those lands have a resulting conservation easement placed over them pursuant to requirements of the TDR severance process. *A Land Development Plan amendment is under review that would change the requirement for a conservation easement to that of a “Limitation of Development Rights Agreement.” This instrument will fulfill the TDR severance requirements and yet not be a conservation easement.*
- Owners proposing conveyance must provide funds to do an initial exotic and solid waste removal, by agreement with the County, or remove the exotics and solid waste themselves (using a contractor licensed by the County) prior to acceptance of a conveyed parcel.
- Parcels will be evaluated for the need to require a long term management endowment and such funding endowment will be negotiated on an ad hoc basis. Management Plans must meet both Conservation Collier and LDC/TDR severance requirements. *Conservation Collier staff will assist landowners by developing a template for a management plan that is acceptable to meet severance requirements.*
- Listed species management is a requirement for the Management Plan to be acceptable under 2005-49. If management actions require funding, those will be considered as part of negotiations for a required minimum funding endowment.

- A Phase I Environmental Assessment (EA) may be requested by the County. If indicated, a Phase I EA shall be provided by the owner prior to the county making a decision on accepting the conveyance.

**Recommended Course of Action:**

Staff recommends that the CCLAAC review the subcommittee recommendations and finalize a recommendation to be presented to the Board of County Commissioners in the form of a resolution for a policy governing conveyance of parcels to the Collier County Conservation Collier Program under the TDR Program.